

**PLANNING COMMISSION AGENDA  
REGULAR MEETING  
MONDAY, MARCH 16, 2015**

**STUDY SESSION: 4:30 P.M. - CITY COUNCIL CHAMBERS**  
**MEETING: 5:00 P.M. - CITY COUNCIL CHAMBERS**

1. Meeting Called to Order.
2. Roll Call.
3. Reading of the Minutes of the February 16, 2015, Regular Meeting.
4. Public comment period. The general public is invited to address the Planning Commission regarding any item on this agenda. The overall and individual speaking time allotments may be limited by the Chair.
5. Consider annexation of First Lutheran Church. Property located in the northeast quarter of the northwest quarter of Section 19, Township 17 North, Range 9 East of the 6<sup>th</sup> P.M., Dodge County, Fremont, Nebraska.
6. Consider a request from Shillelagh, LLC, the owner of approximately 0.81 acres located at 1841 East 23<sup>rd</sup> Street, Dodge County, Fremont, Nebraska, for approval of a Re-plat of Lot 3, Block 2, McClarys' Subdivision.
7. Discuss a recommendation for Zoning Change from LI Limited Industrial to DC Downtown Commercial for a part of Block 182, Blocks 183, 184, 185, 204 and a part of Block 205, Fremont Original Town.

**THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE AND THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT [WWW.FREMONTNE.GOV](http://WWW.FREMONTNE.GOV); AND DISTRIBUTED TO THE PLANNING COMMISSION, MAYOR AND CITY COUNCIL ON MARCH 6, 2015 AND IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC AT THE OFFICE OF THE CITY PLANNER, 400 EAST MILITARY. A COPY OF THE OPEN MEETING LAW IS POSTED CONTINUALLY FOR PUBLIC INSPECTION LOCATED NEAR THE ENTRANCE DOOR BY THE AGENDAS. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.**

**MINUTES**  
**PLANNING COMMISSION**  
**REGULAR MEETING**  
**FEBRUARY 16, 2015 – 5:00 P.M.**  
**CITY COUNCIL CHAMBERS**

**PRESENT:** Chairman Sookram, Members, Fooker, Wiese, Sawyer, Winter, and Fagan, Planning Director, Troy Anderson, City Engineer, Justin Zetterman, Chief Building Inspector, Don Simon, and Public Works Director, Dave Goedeken

**ABSENT:** Members Ridder, Barton and Emanuel

Chairman Sookram called the meeting to order. Roll Call Vote was taken – 6 present.

Chairman Sookram read a statement that this meeting was preceded by publicized notice in the Fremont Tribune and the agenda displayed in the lobby of the Municipal Building and posted online at [www.fremontne.gov](http://www.fremontne.gov); and distributed to the Planning Commission, Mayor and City Council on February 6, 2015 and is open to the public. Chairman Sookram also stated a copy of the agenda was kept continually current and available to the public at 400 East Military, 3<sup>rd</sup> floor and a copy of the open meeting law is posted continually for public inspection located near the Council Chambers entrance door by the agendas.

It was moved by Fooker, seconded by Sawyer, to dispense with the reading of the Minutes of the January 19, 2015 regular meeting and approve as distributed. Roll Call Vote showed all members present voting aye – 6 ayes. Motion Approved.

Chairman Sookram stated the general public is invited to address the Planning Commission regarding any item on this agenda at this time or wait until discussion of their request is taking place.

- Consider request of Paul Knapp, 2263 Stork, Dodge County, Fremont Nebraska to re-plat Lots 4 & 5, Block 2 of the Deerfield Subdivision into one lot.

It was moved by Winter and seconded by Wiese to approve the re-plat. A roll call vote showed all members present voting aye. 6 ayes. Motion Approved

- Consider request of Dirk Daubert, 119 E Deborah, along with Dennis and Sheila Bracht, 120 E Deborah, Dodge County, Fremont, Nebraska to create a preliminary plat of TL 76 in the NE 1/4 of the NE 1/4 of the SW 1/4 of Section 2, Township 17 North, Range 8 E of the 6th P.M. Dodge County Fremont Nebraska.

It was moved by Fooker and seconded by Sawyer to approve the motion. A roll call vote showed all members present voting aye. 6 – Ayes. Motion Approved.

- Consider request of Dirk Daubert, 119 E Deborah, along with Dennis and Sheila Bracht, 120 E Deborah, Dodge County, Fremont, Nebraska to create a final plat of TL 76 in the NE 1/4 of the NE 1/4 of the SW 1/4 of Section 2, Township 17 North, Range 8 E of the 6th P.M. Dodge County Fremont Nebraska.

It was moved by Winter and seconded by Sawyer to approve the motion. A roll call vote showed all members present voting aye. 6 Ayes – Motion approved.

- Consider request of Molacek Investments, LLC 1342 Maplewood, Dodge County Fremont Nebraska to re-plat Fremont North Business Park, Lot 5 into Lot 5A and Lot 5B.

It was moved by Sawyer, and seconded by Wiese to approve the motion. A roll call vote showed all members present voting aye. 6 – Ayes. Motion Approved.

- Consider request of Delta Plaza LLC 49 West 37<sup>th</sup> Street New York, NY to re-plat Rodamar Addition, Lot 1 and 4, Re-plat One, Dodge County, Fremont Nebraska.

It was moved by Fooker and seconded by Winter to approve with the following conditions: 1) Lot 2 would be shifted 8.5 feet to the west. 2) an additional 15' setback would be created on the east side of lot 2. 3) add a 25 foot setback on the 23<sup>rd</sup> street side of lot 2. 4) dedicate an additional 7 feet of right of way along the east line of lot 1. 5) no access to 23<sup>rd</sup> street would be granted from lot 2. A roll call vote showed all members present voting aye. 6 –Ayes – Motion approved.

- Consider request of Chris and Maureen Zavadil, 1635 Parkview Drive, Dodge County, Fremont, Nebraska to re-plat parts of Lots 3, 4, 5 and 6, Block 204, Original Town, Dodge County, Fremont, Nebraska.

It was moved by Winter and seconded by Fagan to approve pending the approval from the Board of Adjustment's regarding the less than required lot size. A roll call vote showed all members present voting aye. 6-ayes – Motion approved.

- Consider request of First Christian Church, 1041 N Nye Ave, along with David and Kimberly Mitchell, 1129 N Nye, Dodge County, Fremont Nebraska to re-plat Reynold's Addition, Re-Plat 3 of Part of Block 71, Dodge County Fremont Nebraska.

It was moved by Fooker and seconded by Sawyer to approve. A roll call vote showed all members voting present voting aye. 6-ayes Motion Approved.

Meeting Adjourned.

# Staff Report

**TO:** Planning Commission  
**FROM:** Justin Zetterman, City Engineer  
**DATE:** February 28, 2015  
**SUBJECT:** Annexation of First Lutheran Church

---

**Recommendation:** Make recommendation to approve the annexation

---

**Background:** The City of Fremont requests the annexation of property located in the Northeast Quarter of the Northwest Quarter of Section 19, Township 17 North, Range 9 East of the 6<sup>th</sup> P.M., Dodge County, Nebraska. The annexation is supported by the land owner, First Lutheran Church.

A PARCEL OF LAND LOCATED IN THE NE ¼ OF THE NW ¼ OF SECTION 19, TOWNSHIP 17 N, RANGE 9 E OF THE 6<sup>th</sup> P.M., DODGE COUNTY, NE, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 19; THENCE S00°06'55"E (ASSUMED BEARING) ALONG THE EAST LINE OF SAID NE ¼ NW ¼ A DISTANCE OF 512.08 FEET TO A POINT ON THE NORTH MARGIN OF MILITARY AVENUE; THENCE S28°05'16"W ALONG SAID NORTH MARGIN A DISTANCE OF 255.47 FEET; THENCE CONTINUING ALONG SAID NORTH MARGIN AROUND A CURVE TO THE RIGHT HAVING A RADIUS OF 723.94 FEET THROUGH A CENTRAL ANGLE OF 65°50'16" AN ARC DISTANCE OF 831.87 FEET AND HAVING A LONG CHORD BEARING OF S61°00'24"W A DISTANCE OF 786.86 FEET; THENCE CONTINUING ALONG SAID NORTH MARGIN AT A BEARING OF N86°04'28"W A DISTANCE 517.56 FEET TO A POINT ON THE WEST LINE OF SAID NE ¼ NW ¼, ALSO BEING THE SOUTHEAST CORNER OF DAY ACRES SECOND ADDITION; THENCE N00°03'10"W ALONG SAID WEST LINE, ALSO BEING THE EAST LINE OF SAID DAY ACRES SECOND ADDITION AND ITS NORTHERLY EXTENSION A DISTANCE OF 1080.81 FEET TO THE NORTHWEST CORNER OF SAID NE ¼ NW ¼; THENCE N89°53'13"E ALONG THE NORTH LINE OF SAID NE ¼ NW ¼ A DISTANCE OF 1324.84 FEET TO THE POINT OF BEGINNING.

**Findings:** The proposed annexation is within the rights granted to the City of Fremont by the State of Nebraska and the annexation is supported by both the City of Fremont and the owner of the land to be annexed.



Parcel ID 271035860  
Sec/Twp/Rng n/a  
Property Address  
District n/a  
Brief Tax Description n/a

Alternate ID n/a  
Class n/a  
Acreage n/a

Owner Address n/a

(Note: Not to be used on legal documents)

Last Data Upload: 3/10/2015 8:25:03 AM

# Staff Report

**TO:** Planning Commission  
**FROM:** Troy Anderson, Director of Planning  
**DATE:** March 16, 2015  
**SUBJECT:** Replat Lot 3, Block 2 McClarys' Subdivision

---

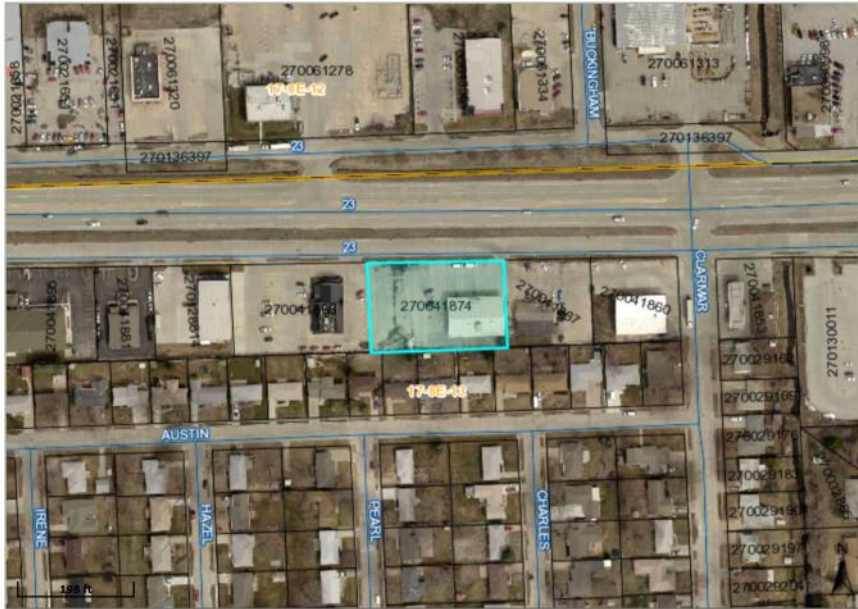
**Background:** Shillelagh, LLC, the owner of approximately 0.81 acres, located at 1841 East 23rd Street, has submitted a request for approval of a replat for conveyance purposes. The proposed replat subdivides Lot 3, Block 2, McClarys' Subdivision into two (2) lots.

**Findings:** The property is zoned GC General Commercial. The two (2) lots being proposed meet or exceed the minimum area [six thousand (6,000) square feet] and width [fifty (50) feet] requirements for lots in GC General Commercial zoning districts. Both lots front along a public right-of-way [East 23<sup>rd</sup> Avenue], with access to Lot 3B available by way of access easement, and both lots are served by all necessary utilities. The proposed replat appears to meet all state and local requirements for subdivisions.

## Dodge County, NE



Date Created: 3/10/2015



**Parcel ID** 270041874  
**Sec/Twp/Rng** 13-17-8  
**Property Address** 1841 E 23RD

**Alternate ID** 2391-13-2-91705-001-0000  
**Class** Com - Commercial  
**Acreage** n/a

**Owner Address** SHILLELAGH LLC  
749 E 29TH ST  
APT 102  
FREMONT, NE 68025-7715

| District | Brief Tax Description |
|----------|-----------------------|
|          |                       |

1 - FREMONT CITY  
MC CLARYS SUB LOT 3 BLK 2  
(Note: Not to be used on legal documents)

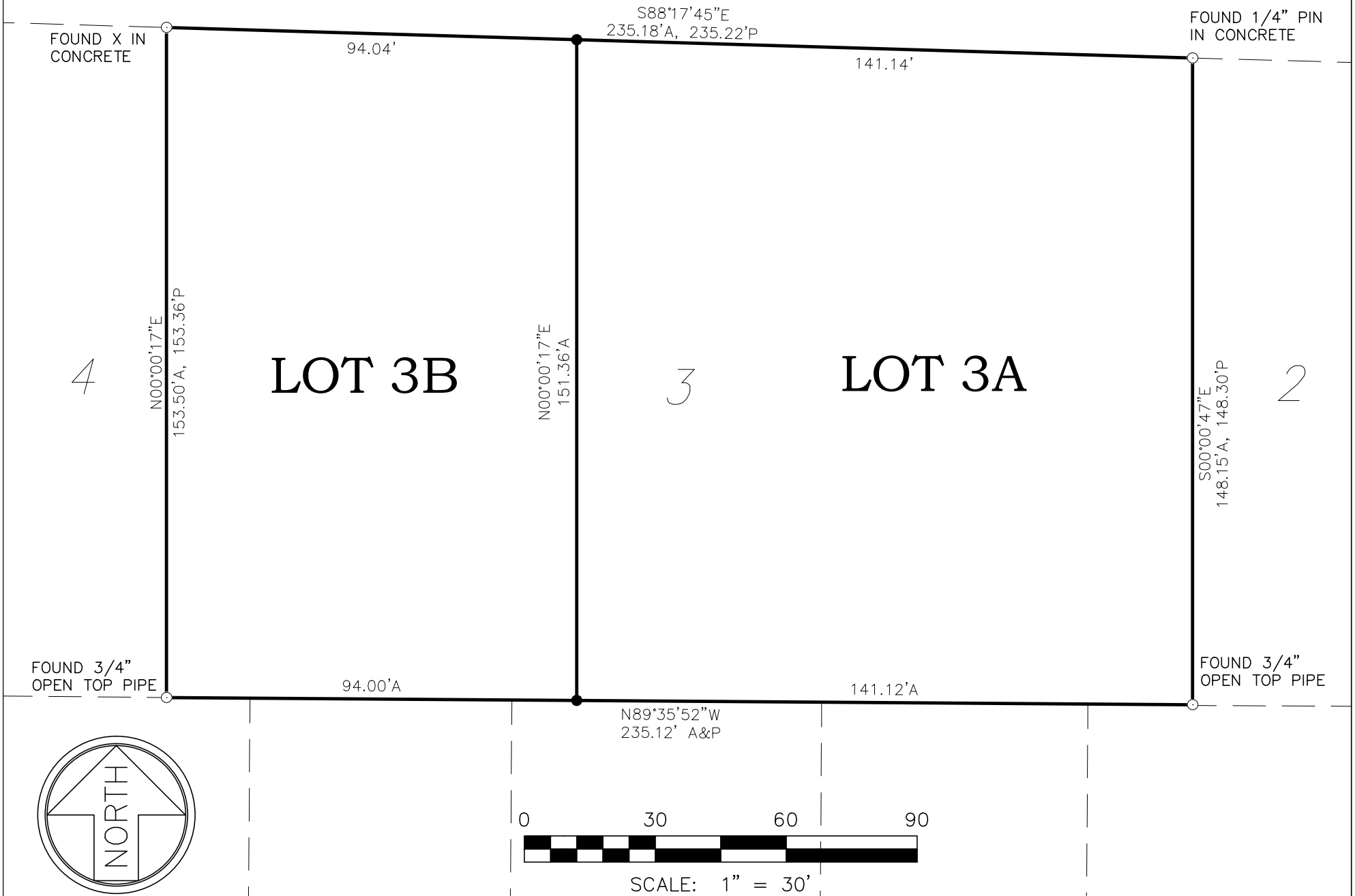
Last Data Upload: 3/10/2015 10:25:57 AM



McCLARYS' SUBDIVISION, BLOCK 2, REPLAT OF LOT 3

LEGAL DESCRIPTION: LOT 3, BLOCK 2, McCLARYS' SUBDIVISION, FREMONT, DODGE COUNTY, NEBRASKA.

EAST 23RD AVENUE



ACCESS TO LOT 3B:

OWNER OF LOT 3A SHALL PROVIDE UNRESTRICTED PAVED ACCESS NO LESS THAN 22 FEET IN WIDTH FROM THE EXISTING ENTRANCE AT THE EAST LINE OF LOT 3A TO THE EAST LINE OF LOT 3B UNLESS A DRIVEWAY IS CONSTRUCTED FROM LOT 3B TO EAST 23RD AVENUE.

LEGEND

- A ACTUAL DISTANCE
- P PLATTED DISTANCE
- O FOUND MONUMENT
- SET 3/4" X 24" REBAR WITH LS-503 CAP

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT SHILLELAGH LLC, SCOTT A. BRANNON, PRESIDENT; OWNER AND PROPRIETOR OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, HAS CAUSED THE SAME TO BE DIVIDED INTO LOTS, SAID SUBDIVISION TO BE KNOWN AS "McCLARYS' SUBDIVISION, BLOCK 2, REPLAT OF LOT 3", THE LOTS TO BE NUMBERED AS SHOWN AND APPROVES OF THE DISPOSITION OF THE PROPERTY AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, WE DO HEREBY SET OUR HANDS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_, A.D.

SCOTT A. BRANNON, PRESIDENT  
FOR: SHILLELAGH LLC

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
COUNTY OF DODGE ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 201\_\_\_\_, BEFORE ME, A GENERAL NOTARY PUBLIC, PERSONALLY APPEARED SCOTT A. BRANNON, PRESIDENT OF SHILLELAGH LLC, WHO IS KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME APPEARS ON THE FOREGOING DEDICATION, AND WHO HEREBY ACKNOWLEDGES THE SIGNING OF SAID INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL DATE LAST AFORESAID.

GENERAL NOTARY PUBLIC  
COMMISSION EXPIRES \_\_\_\_\_

PLANNING COMMISSION APPROVAL

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

A.D. 20\_\_\_\_, THIS "McCLARYS' SUBDIVISION, BLOCK 2, REPLAT OF LOT 3" WAS APPROVED AND ACCEPTED BY THE PLANNING COMMISSION OF THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

CHAIR

CITY COUNCIL ACCEPTANCE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

A.D. 20\_\_\_\_, THIS "McCLARYS' SUBDIVISION, BLOCK 2, REPLAT OF LOT 3" WAS APPROVED AND ACCEPTED BY RESOLUTION OF THE CITY COUNCIL THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

MAYOR

CLERK

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY AS THE UNDERSIGNED REGISTERED LAND SURVEYOR, THAT I HAVE SURVEYED THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR WILL BE SET AS SHOWN WITHIN 60 DAYS OF FILING OF THIS PLAT IN THE DODGE COUNTY REGISTER OF DEEDS OFFICE.

STEPHEN W. DODD, LS-503





**DODD ENGINEERING & SURVEYING**

CIVIL ENGINEERING  
LAND DEVELOPMENT  
SURVEYING

402-727-9067  
DODDENGINEERING.NET

STEPHEN W. "STEVE" DODD, PE & LS  
402 NORTH D ST. P.O. BOX 1855 FREMONT, NE 68026



# Staff Report

**TO:** Planning Commission  
**FROM:** Troy Anderson, Director of Planning  
**DATE:** March 16, 2015  
**SUBJECT:** Recommendation for Zoning Change Fremont Original Town

---

**Background:** Earlier this year, our offices received a replat application for a part of Lots 3, 4, 5, and 6, Block 204, Fremont Original Town. The owners, Chris and Maureen Zavadil, wanted to subdivide their property for conveyance purposes. Unfortunately, one of the lots [Lot 2] did not meet the minimum area or width requirements for a lot zoned LI Limited Industrial. Despite this fact, the plat document was prepared and was presented to the Zoning Commission and City Council for approval. On February 24, 2015, City Council, with a recommendation from the Zoning Commission, approved the plat with the condition that the applicant obtain the necessary approval (e.g. variance) to comply with zoning regulations.

On February 23, 2015, our offices received an application for variance which would reduce the required lot area, width and setbacks, allowing for the filing of the plat document. Upon closer inspection Staff has identified the potential for a larger issue with properties in the immediate area.

**Findings:** When we look at future development, including redevelopment, the conversation is always two-fold. There are the *bulk, area, and height* requirements on the one hand, and land use(s) on the other. Consider the following matrix as we discuss the concern for future development/redevelopment in the *Lower Downtown Warehouse District*.

|                     | DC Downtown Commercial | LI Limited Industrial |
|---------------------|------------------------|-----------------------|
| Land Use            |                        |                       |
| Bulk, Area & Height |                        |                       |

Currently the subject property, along with a number of other properties in the immediate vicinity, are zoned LI Limited Industrial. For properties zoned LI Limited Industrial, there are

specific land uses that are either prohibited or only conditionally permitted – namely Retail Services and Restaurants, respectively – which may be counterintuitive to the goals and objectives of the Comprehensive Plan. The following is an excerpt from that Plan:

Designate the southern half of Downtown as the “Lower Downtown Warehouse District,” which is to include live-work/flex-space units, clean production and merchandising, and stall space for artisans. (Downtown: Recommended Actions, 2.15)

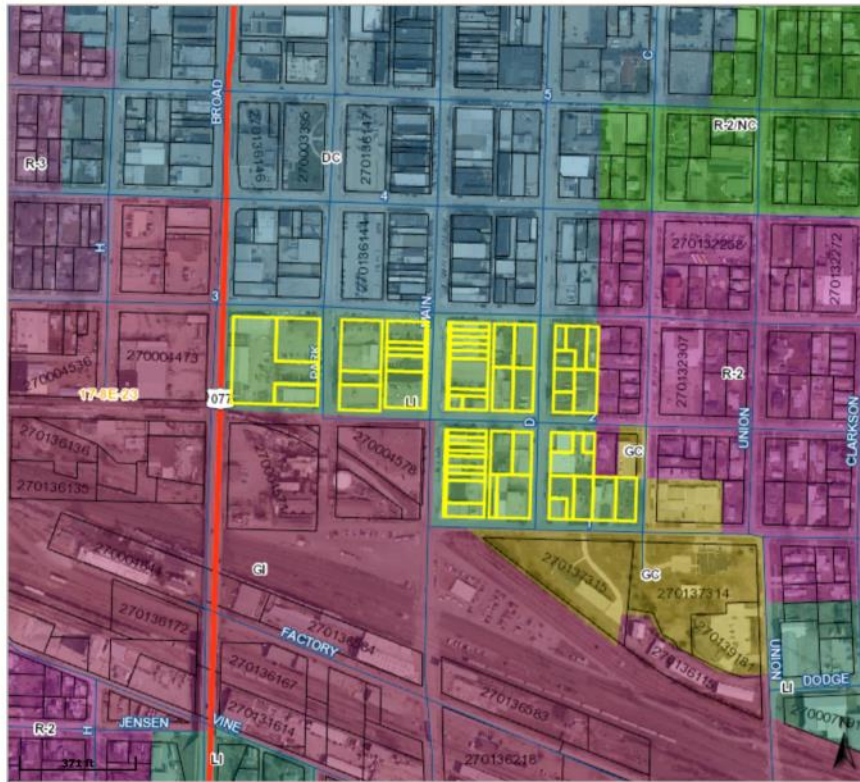
Also, properties zoned LI Limited Industrial require a minimum lot area of five thousand (5,000) square feet, a minimum lot width of fifty (50) feet and minimum setbacks of twenty-five (25) feet in the front, twenty-five (25) feet for street yards, and twenty-five (25) feet for rear yards. Initial observations would suggest that a number of properties in the *Lower Downtown Warehouse District* are therefore nonconforming.

Alternatively, land uses such as Retail Services and Restaurants are listed as uses permitted by right in DC Downtown Commercial zoning districts and, there are no lot area, lot width or setback requirements for properties zoned DC Downtown Commercial. Staff would like to consider making a recommendation to rezone a part of Block 182, Blocks 183, 184, 185, 204 and a part of Block 205, Fremont Original Town, and would like to discuss the implications of such with the Planning Commission.

## Dodge County, NE



Date Created: 3/10/2015



Last Data Upload: 3/10/2015 10:25:57 AM

